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5 Attorneys for Defendant
JAYHAWK CAPITAL MANAGEMENT, LLC;
6 JAYHAWK CHINA FUND (CAYMUN), LTD.;
JAYHAWK INVESTMENTS, LP; JAYHAWK
7 INSTITUTIONAL PARTNERS, LP; KENT C.
MCCARTHY
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 PRIMARIUS CAPITAL, LLC;
PRIMARIUS CHINA FUND, LP;
14 PRIMARIUS FOCUS, LP; PRIMARIUS
PARTNERS, LP; and PRIMARIUS
15 OFFSHORE PARTNERS LTD.,

16 Plaintiffs,

17 v.

18 JAYHAWK CAPITAL MANAGEMENT,
LLC; JAYHAWK CHINA FUND
19 (CAYMUN), LTD.; JAYHAWK
INVESTMENTS, LP; JAYHAWK
20 INSTITUTIONAL PARTNERS, LP;
KENT C. MCCARTHY AND DOES 1
21 through 100, inclusive,

22 Defendants.
23

Case No. C 07-01804-CW

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

24 **RECITALS**

25 WHEREAS, Plaintiffs filed their Complaint and demand for jury trial on March 30, 2007,
26 and filed their Amended Complaint on June 11, 2007.

27 WHEREAS, on September 27, 2007, Plaintiffs and Defendants agreed to submit their
28 claims and counterclaims to binding arbitration under the auspices of Judicial Arbitration and

1 Mediation Services, Inc. ("JAMS"), and requested that the Court stay this action and take all
2 motions and dates off calendar.

3 WHEREAS, on October 3, 2007, the Court entered an order staying this action pending
4 arbitration, denying pending motions without prejudice, and scheduling the Case Management
5 Conference for January 29, 2008 at 2:00 p.m.

6 WHEREAS, the parties have commenced arbitration before JAMS, with a hearing
7 scheduled for the weeks of September 8 and 15, 2008.

8 WHEREAS, the parties have conferred and reached agreement that the Case Management
9 Conference should be continued until after the arbitration hearing is held and the arbitration panel
10 issues an award.

11 **STIPULATION**

12 Plaintiffs, through their attorneys of record, and Defendants, through their attorneys of
13 record, hereby stipulate that the Case Management Conference should be continued until after the
14 arbitration hearing is held and the arbitration panel issues an award.

1 Dated: January 29, 2008

KIRKLAND & ELLIS LLP

2
3 By: /s Eliot A. Adelson

4 Eliot A. Adelson
Attorneys for Defendants
JAYHAWK CAPITAL MANAGEMENT,
5 LLC; JAYHAWK CHINA FUND
(CAYMUN), LTD.; JAYHAWK
6 INVESTMENTS, LP; JAYHAWK
7 INSTITUTIONAL PARTNERS, LP;
KENT C. MCCARTHY

8 Dated: January 29, 2008

FAGELBAUM & HELLER LLP

9
10 By: /s Philip Heller, PLC

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Attorneys for Plaintiffs
14 PRIMARIUS CAPITAL, LLC;
PRIMARIUS CHINA FUND, LP;
15 PRIMARIUS FOCUS, LP; PRIMARIUS
16 PARTNERS, LP; and PRIMARIUS
OFFSHORE PARTNERS LTD.

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, ELIOT ADELSON, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed above and below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on January 29, 2008, in San Francisco, California.

/s Eliot A. Adelson
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ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

The Case Management Conference shall be continued until after the September 2008 arbitration hearing is held and the arbitration panel issues an award, but not later than

_____.

DATED: January __, 2008

Hon. Claudia Wilken
United States District Judge